

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SEAN FLYNN, DEAN KARLAN, and :  
JONATHAN MORDUCH, individually and on :  
behalf of all others similarly situated, : 21 Civ. 614 (LGS)  
:  
Plaintiffs, : **ORDER**  
:  
-against- :  
:  
MCGRAW HILL LLC, et al. :  
Defendants. :  
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 15, 2021, Defendants filed a pre-motion letter in anticipation of a motion to dismiss (Dkt. No. 15), and on April 22, 2021, Plaintiffs filed a responsive letter (Dkt. No. 18).

WHEREAS, an initial pretrial and pre-motion conference was held on April 30, 2021. For the reasons stated during the conference, it is hereby

**ORDERED** that Defendants' request to stay this action is **GRANTED in part**. Fact discovery shall proceed according to a bifurcated schedule. Stage one of fact discovery shall include discovery as to the named plaintiffs and class-wide issues (but not as to individual putative class members) and shall proceed according to the schedule provided in the Civil Case Management Plan and Scheduling Order, which will issue separately. Expert discovery and stage two of fact discovery, which shall include discovery as to individual putative class members, are **STAYED**. It is further

**ORDERED** that by **May 6, 2021**, the parties shall meet and confer to agree on the particulars of stage one of fact discovery and shall file a letter apprising the Court of the outcome of the parties' discussions. It is further

**ORDERED** that Defendants' anticipated motion to dismiss shall be briefed according to the following schedule:

- By **May 18, 2021**, Defendants shall file their motion to dismiss, with a memorandum of law not to exceed twenty-five (25) pages.
- By **June 15, 2021**, Plaintiffs shall file their opposition, not to exceed twenty-five (25) pages.
- By **June 29, 2021**, Defendants shall file any reply in support of their motion, not to exceed ten (10) pages.

The parties shall comply with this Court's Individual Rules in filing the motion and supporting papers.

Dated: April 30, 2021  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE